

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2005 NOV 11 A 4:17

ALVARO MORALES,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

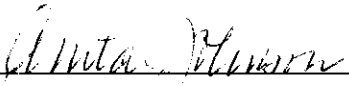
Civ. No. 04-40172-NMG

**GOVERNMENT'S MOTION TO DISMISS PETITION**

For the reasons set forth in the accompanying memorandum, the respondent requests that this Court dismiss the Petition because the Court lacks jurisdiction to consider Petitioner's claim and because Petitioner has failed to show that the Bureau of Prisons was arbitrary and capricious.

Respectfully submitted,

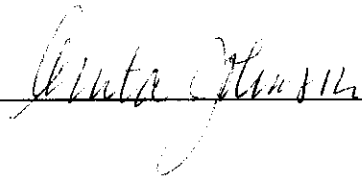
MICHAEL J. SULLIVAN  
United States Attorney

  
ANITA JOHNSON  
Assistant U.S. Attorney  
Moakley United States Courthouse, Ste. 9200  
One Courthouse Way  
Boston, Mass. 02210  
(617)748-3100

**Certificate of Service**

I hereby certify that I have served the foregoing upon Petitioner at FMC-Devens,

P.O. Box 879, Ayer, Mass. 01432, by first class mail, postage prepaid, on this 10<sup>th</sup> day of November, 2004.



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